

A U S T I N C I T Y C O U N C I L

## AGENDA



Thursday, December 14, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 69**

**Subject:** C14H-06-0028 – Otto and Roselia Bengston House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3803 Avenue H (Waller Creek Watershed) from family residence-neighborhood conservation (SF-3-NCCD) combining district zoning to family residence-historic- neighborhood conservation (SF-3-H-NCCD) combining district zoning. Staff recommendation: To grant family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic- neighborhood conservation (SF-3-H-NCCD) combining district zoning. Planning Commission recommendation. To grant family residence-historic- neighborhood conservation (SF-3-H-NCCD) combining district zoning. Applicant and Agent: Ken Ryall and Sandra J. Kearns. City Staff: Steve Sadowsky, 974-6454.

**Additional Backup Material***(click to open)* **Staff Report****For More Information:**

# ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-06-0028

HLC DATE:

October 23, 2006

PC DATE:

November 14, 2006

APPLICANT: Ken Ryall and Sandra J. Kearns

HISTORIC NAME: Otto and Roselia Bengston House

WATERSHED: Waller Creek

ADDRESS OF PROPOSED ZONING CHANGE: 3803 Avenue H

ZONING FROM: SF-3-NCCD

TO: SF-3-H-NCCD

SUMMARY STAFF RECOMMENDATION: Staff recommends the proposed zoning change from single family, neighborhood conservation (SF-3-NCCD) combining district to single family, neighborhood conservation – Historic (SF-3-H-NCCD) combining district zoning.

HISTORIC LANDMARK COMMISSION ACTION: Recommended the proposed zoning change from single family, neighborhood conservation (SF-3-NCCD) combining district to single family, neighborhood conservation – Historic (SF-3-H-NCCD) combining district zoning. Vote: 9-0.

PLANNING COMMISSION ACTION: Recommended the proposed zoning change from single family, neighborhood conservation (SF-3-NCCD) combining district to single family, neighborhood conservation – Historic (SF-3-H-NCCD) combining district zoning. Vote: 8-0 (Moore absent).

DEPARTMENT COMMENTS: The Otto and Roselia Bengston House is listed in the Comprehensive Cultural Resources Survey (1984) but without a preservation priority. The house is contributing to the Shadow Lawn National Register Historic District.

CITY COUNCIL DATE: December 14, 2006

ACTION:

ORDINANCE READINGS: 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION: Hyde Park Neighborhood Association

BASIS FOR RECOMMENDATION:

The ca. 1925 Otto and Roselia Bengston House is an excellent example of a bungalow, designed by noted Austin architect Roy L. Thomas. Otto Bengston was a prominent member of the Swedish communities in Austin and Elgin, Texas.

**Architecture:**

One-story rectangular-plan clipped side-gabled frame bungalow with paired and triple 1:1 windows, a segmental-arched door surround, ornately-carved eave brackets, and partial-width inset porch on brick piers.

The house is an excellent example of a mid-1920s bungalow, with its triple fenestration in the front, clipped side gables, inset porch, and low-slung, horizontal composition.

**Historical Associations:**

Otto Bengston (1865-1943) was born in Sweden and emigrated to the United States in 1880, coming to Austin, and working as a farm laborer, handyman, and chauffeur for Governor Roberts. When his mother emigrated from Sweden in 1888, he moved with her to the Swedish community of Manda, Texas, in northeastern Travis County. Bengston built a large general store in 1893, and established the post office, named for his sister, Amanda. After 15 years in Manda, he sold his business and moved to Elgin, Texas, where he was a prominent businessman, with varied interests including the Farmer's State Bank, a grocery store, and the town's first automobile and tractor dealership. Bengston also built several commercial buildings in downtown Elgin. Having married Roselia Charnquist, the daughter of the Manda Methodist church pastor in 1901, the family returned to Austin in 1923 so that their children could attend the University of Texas. Bengston continued his commercial affairs in Elgin, and also had a car dealership in Austin. The family first lived in a rented house at 2006 East Avenue, and in 1925, commissioned prominent local architect Roy L. Thomas (1886-1968) to build his house for him, one of the first in the Shadow Lawn subdivision of Hyde Park. Bengston was a leader in Austin's Swedish community, serving as chairman of the board of the Central Swedish Methodist Church, and on the board of trustees of Texas Wesleyan College. After his death in 1943, Roselia continued to live in the house until her death in 1971. She was very active in the Central Methodist Church and other civic affairs in Austin.

**PARCEL NO.:** 02180604020000

**DEED RECORD:** Unknown

**LEGAL DESCRIPTION:** The south 50 feet of Lot 55 and the north 10 feet of Lot 56, Shadow Lawn.

**ANNUAL TAX ABATEMENT:**

\$5,856 (owner-occupied); city portion: \$1,424

**APPRAISED VALUE:** \$411,493

**PRESENT USE:** Residence

**CONDITION:** Excellent

**PRESENT OWNER**

Ken Ryall and Sandra J. Kearns  
3803 Avenue H

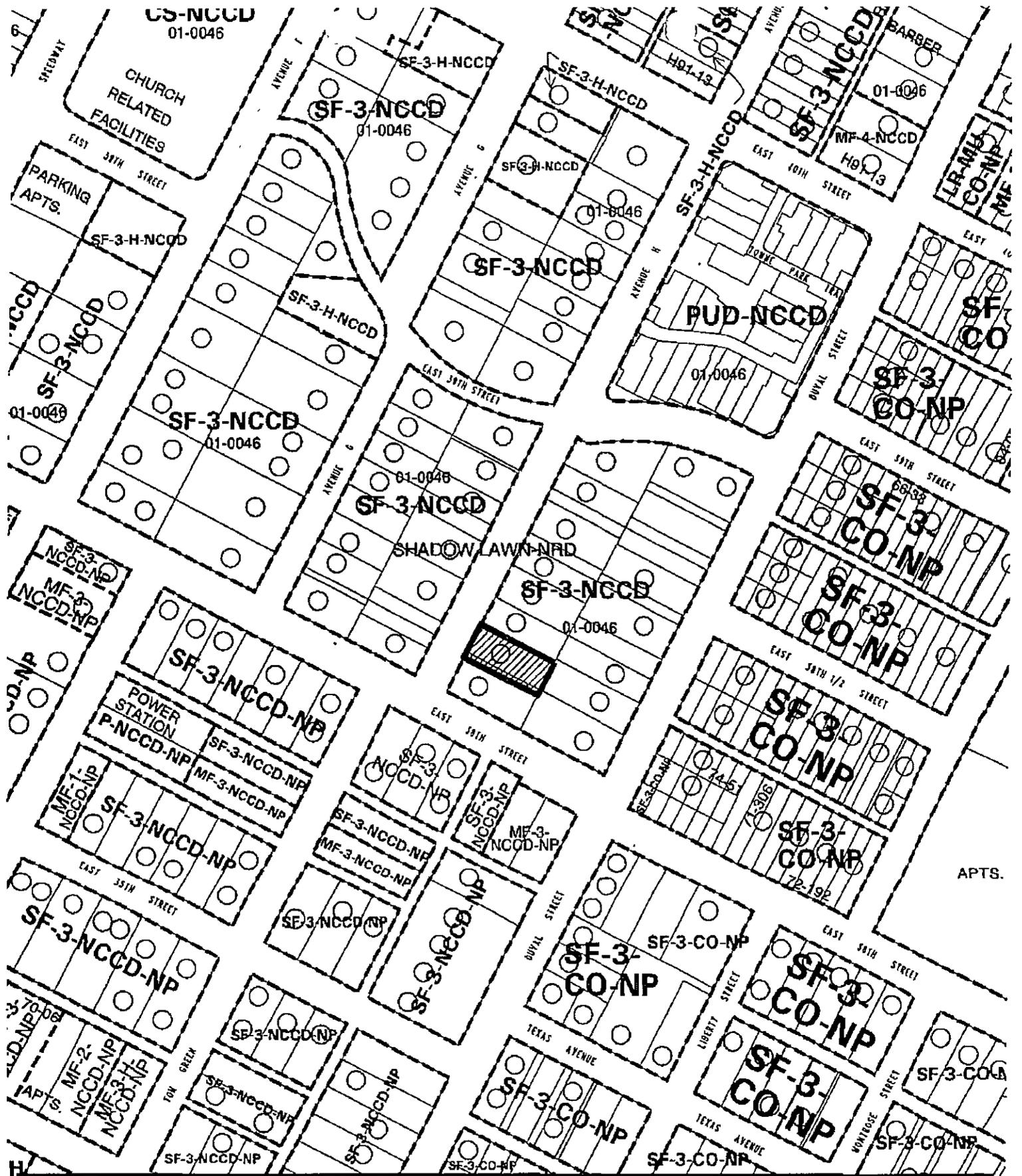
Austin, Texas 78751

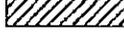
DATE BUILT: ca. 1925

ALTERATIONS/ADDITIONS: Eyebrow dormer removed at an unknown date.

ORIGINAL OWNER(S): Otto and Roselia Bengston (1925)

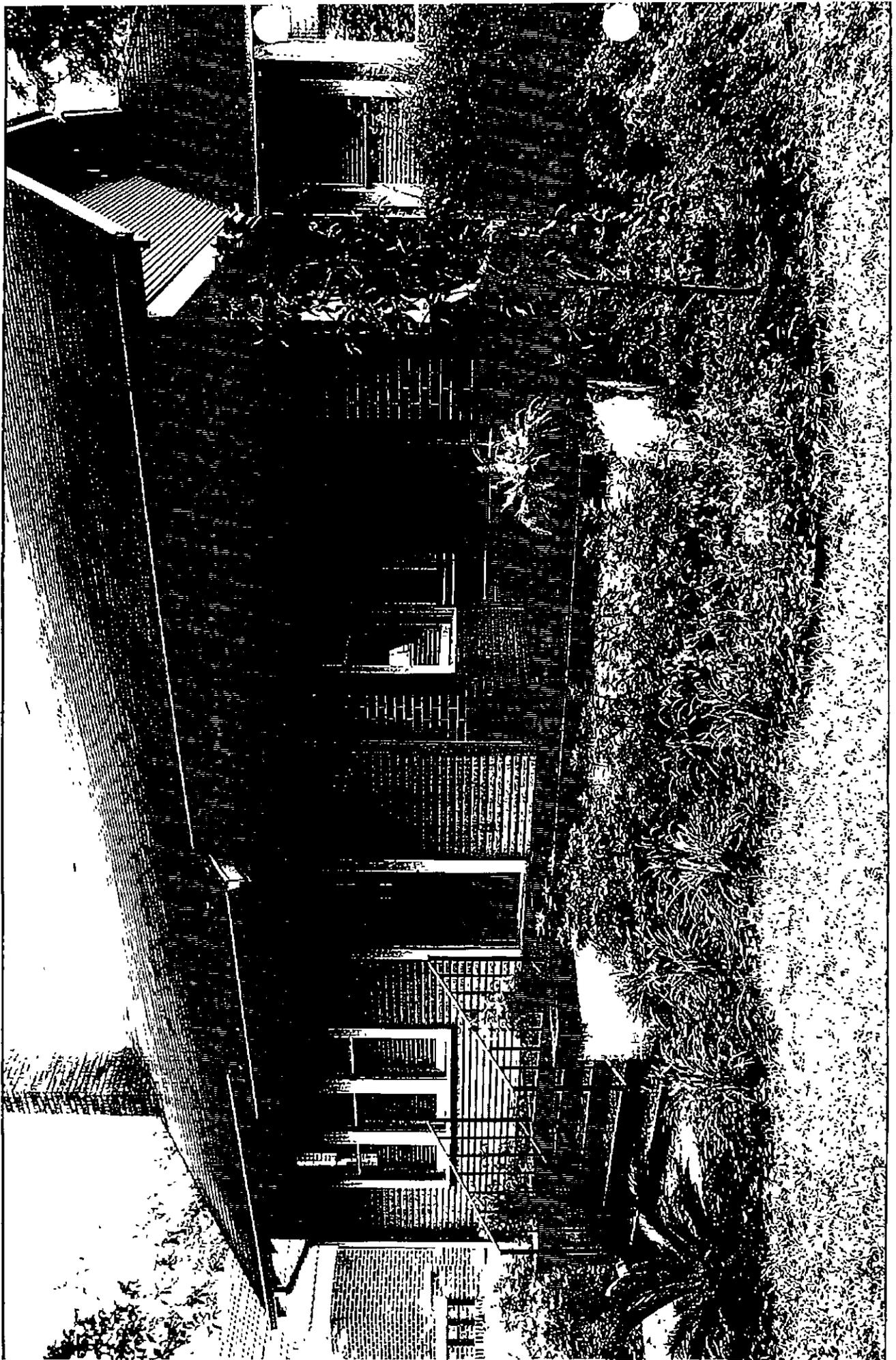
OTHER HISTORICAL DESIGNATIONS: Contributing to the Shadow Lawn National Register Historic District.



 1"=200'	SUBJECT TRACT 	<b>HISTORIC ZONING</b> CASE #: C14H-06-0028 ADDRESS: 3803 AVENUE H SUBJECT AREA (acres): N/A	CITY GRID REFERENCE NUMBER J25	
	PENDING CASE 			DATE: 06-10
	ZONING BOUNDARY 			INTLS: SM
	CASE MGR: S. SADOWSKY			



Bengston House  
3803 Avenue H



## **Narrative**

**Bengston House  
3803 Avenue H**

Prepared August 12<sup>th</sup> 2006

Otto Bengston, an enterprising Swedish immigrant, built the Bengston house in 1925. Born Otto Tuveson in 1865, Otto arrived from Sweden in 1880 and began working on a farm in Decker to raise enough money to bring his mother and three younger siblings to Texas. A year later at the age of 16 he moved to Austin and began working as a chauffeur and aide for Texas Governors Roberts and Ireland. He also clerked at Gammel's bookstore and enrolled in night school courses in Business and English.

Joined by his mother and siblings, Otto ran a dairy in Fiskville for a time and then bought land in northeastern Travis County in 1888. The Bengstons joined other Swedish immigrants in the area and founded the town of Manda, named after Otto's sister Amanda. Otto built a general store and post office with attached living quarters where he lived with his mother and two sisters.

In 1901 Otto married Roselia Charnquist, daughter of Rev. Carl Charnquist pastor of the Manda Methodist church. They had six children, Elmer (1902 - 1968), Philip (1903 - 1975), Mildred (1905 - 2001), Winnie (1907 - 1985), Claymon (1910 - 1980), and Eunice (1915 - 1918).

In 1907 the family moved to Elgin and Otto began a series of businesses in the growing community: Farmer's State Bank, a grocery store, and the town's first automobile and tractor dealership. He also built several commercial buildings downtown.

In 1923 Otto decided to return to Austin so his children could more easily attend the University of Texas. The family moved into a rented house at 2006 East Avenue.

The year before the M.K.&T. Land Company had planned the Shadow Lawn subdivision in the area between Speedway, Duval, 38<sup>th</sup> and 40<sup>th</sup> Streets. Otto purchased a lot at the lower end of Avenue H and began building one of first homes on the block in 1925. The Bengston house and another next door

would remain the only two houses on Avenue H between 38<sup>th</sup> and 40<sup>th</sup> Street for several years.

The Bengston house was designed by Austin architect Roy L. Thomas (1886 – 1968). Thomas designed a number of important buildings in Austin from the 1920s through the 1950s including homes, schools, commercial buildings, apartments, and service stations. Thomas designed homes in Hyde Park and Tarrytown as well as larger projects such as the Stephen F. Austin Hotel, Robert E. Lee Elementary School, Tarrytown Methodist, and Ebenezer Baptist Church.

With the family settled in Austin Otto Bengston renewed his business interests and leadership activities in the Swedish immigrant community. The 1930s saw many ethnic groups move to become more integrated with American society. Otto served as Chairman of the board of the Central Swedish Methodist Church when they decided to offer services in English instead of Swedish. In the mornings he read from the Swedish bible and in the evenings from the English version.

Otto also served on the board of trustees of Texas Wesleyan College, a Methodist school located east of the University of Texas. As interest in ethnic colleges declined in the 1930s the board negotiated the sale of their campus to the University of Texas. This later became the site for the U.T. Law School. Finally the board voted to merge with the Texas Wesleyan College in Fort Worth, which later became Texas Wesleyan University.

Otto Bengston died at home in 1943 at the age of 78, survived by Roselia and five children, Elmer, Phillip, and Claymon moved on in the 1940s and Roselia continued to live with daughters Mildred and Winnie, all active in the community and the Central Methodist Church. Roselia died in 1971, Winnie in 1985, and Mildred in 2001. The Bengson family had occupied the home for 78 years.

## **Occupancy History**

**Bengston House**

**3803 Avenue H**

Prepared August 12<sup>th</sup> 2006

1925 – 1943 Otto Bengston and family: wife Rosalia, sons Claymon, Elmer, and Philip, daughters Mildred and Winnie.

1944 – 1971 Rosalia, Mildred and Winnie Bengston

1972 – 1985 Mildred and Winnie Bengston

1986 – 2001 Mildred Bengston

2002 – 2004 Robert & Julie Hayes

2004 – 2006 Ken Ryall & Sandra Kearns

## **Deed Chronology**

**Bengston House**

**3803 Avenue H**

Prepared August 25<sup>th</sup> 2006

M.K.&T. Land Company to Otto Bengston  
South 50 Feet of Lot 55 and the North 10 feet of lot 56  
Shadow Lawn Addition  
June 27<sup>th</sup>, 1925  
\$600  
Volume 376, Pages 24 – 26

Oliver Sponberg an Independent Executor of the Estate of Mildred Bengston to Mooney-  
Glasgow, LP  
South 50 Feet of Lot 55 and the North 10 feet of lot 56  
Shadow Lawn Addition  
September 4<sup>th</sup>, 2001  
\$160,000  
2001152061

Mooney-Glasgow, LP to Robert C Hayes and Julie W Hayes  
South 50 Feet of Lot 55 and the North 10 feet of lot 56  
Shadow Lawn Addition  
December 31st, 2002  
\$270,000  
2003000765

Robert C Hayes and Julie W Hayes to ReloAction Inc.  
South 50 Feet of Lot 55 and the North 10 feet of lot 56  
Shadow Lawn Addition  
April 15th, 2004  
\$401,700  
2004112556

ReloAction Inc. to Ken Ryall and Sandra Kearns  
South 50 Feet of Lot 55 and the North 10 feet of lot 56  
Shadow Lawn Addition  
April 20th, 2004  
\$401,700  
2004112555

# A. APPLICATION FOR HISTORIC ZONING

**PROJECT INFORMATION:**

DEPARTMENTAL USE ONLY	
APPLICATION DATE: <u>08/30/06</u>	FILE NUMBER(S): <u>C4h-01-0028</u>
TENTATIVE HPC DATE: _____	
TENTATIVE PC or ZAP DATE: _____	
TENTATIVE CC DATE: _____	CITY INITIATED: YES / NO
CASE MANAGER: <u>[Signature]</u>	ROLLBACK: YES/NO
APPLICATION ACCEPTED BY: <u>[Signature]</u>	

**BASIC PROJECT DATA:**

1. OWNER'S NAME: KEN RYALL

2. PROJECT NAME: BENGTON HOUSE

3. PROJECT STREET ADDRESS (or Range): 3803 AVENUE H  
 ZIP: 78751 COUNTY: TRAVIS

IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE:  
 LOCATED \_\_\_\_\_ FRONTAGE FEET ALONG THE N. S. E. W. (CIRCLE ONE) SIDE OF \_\_\_\_\_ (ROAD NAME PROPERTY FRONTS ONTO), WHICH IS APPROXIMATELY \_\_\_\_\_ DISTANCE FROM ITS INTERSECTION WITH \_\_\_\_\_ CROSS STREET.

**AREA TO BE REZONED:**

4. ACRES \_\_\_\_\_ (OR) SQ.FT. \_\_\_\_\_

5. ZONING AND LAND USE INFORMATION:

EXISTING ZONING	EXISTING USE	TRACT# (IF MORE THAN 1)	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
<u>SF-3-NCCD-NP</u>	<u>Res.</u>	_____	_____	<u>Res.</u>	<u>SF-3-H-NCCD-NP</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**RELATED CURRENT CASES:**

6. ACTIVE ZONING CASE? (YES / <input checked="" type="radio"/> NO)	FILE NUMBER: _____
7. RESTRICTIVE COVENANT? (YES / <input checked="" type="radio"/> NO)	FILE NUMBER: _____
8. SUBDIVISION? (YES / <input checked="" type="radio"/> NO)	FILE NUMBER: _____
9. SITE PLAN? (YES / <input checked="" type="radio"/> NO)	FILE NUMBER: _____

PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

10a. SUBDIVISION REFERENCE: Name: SHADOW LAWN  
 Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Outlot(s) \_\_\_\_\_  
 Plat Book: vol 3 Page 71  
 Number: \_\_\_\_\_  
 10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes partial lots)

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

11. VOLUME: 2004112555 PAGE: \_\_\_\_\_ TAX PARCEL I.D. NO. 0218060402

OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE?  YES / NO  
 TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD, NP, etc) Hyde Park NCCD, NP  
 13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT?  YES / NO Hyde Park  
 14. IS A TIA REQUIRED? YES  NO (NOT REQUIRED IF BASE ZONING IS NOT CHANGING)  
 TRIPS PER DAY: \_\_\_\_\_  
 TRAFFIC SERIAL ZONE(S): \_\_\_\_\_

OWNERSHIP TYPE:

15.  SOLE \_\_\_\_\_ COMMUNITY PROPERTY \_\_\_\_\_ PARTNERSHIP \_\_\_\_\_ CORPORATION \_\_\_\_\_ TRUST  
 If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.

OWNER INFORMATION:

16. OWNER CONTACT INFORMATION  
 SIGNATURE: [Signature] NAME: KEN RYAN  
 FIRM NAME: \_\_\_\_\_ TELEPHONE NUMBER: 512 351 1987  
 STREET ADDRESS: 3803 ASHWOOD H  
 CITY: AUSTIN STATE: TX ZIP CODE: 78751  
 EMAIL ADDRESS: KEN.RYAN@GMAIL.COM

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION  
 SIGNATURE: \_\_\_\_\_ NAME: \_\_\_\_\_  
 FIRM NAME: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_  
 STREET ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_  
 CONTACT PERSON: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_  
 EMAIL ADDRESS: \_\_\_\_\_

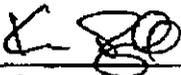
DEPARTMENTAL USE ONLY:

## D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

### SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.

 8/1/06  
\_\_\_\_\_  
Signature Date

KEN BALL  
\_\_\_\_\_  
Name (Typed or Printed)

\_\_\_\_\_  
Firm (If applicable)

### INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.

 8/1/06  
\_\_\_\_\_  
Signature Date

KEN BALL  
\_\_\_\_\_  
Name (Typed or Printed)

\_\_\_\_\_  
Firm (If applicable)

## E. ACKNOWLEDGMENT FORM

concerning  
Subdivision Plat Notes, Deed Restrictions,  
Restrictive Covenants  
and / or  
Zoning Conditional Overlays

I, KEN RYALL have checked for subdivision plat notes, deed restrictions,  
(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

3803 AVENUE H 78751  
(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.

K. Ryall  
(Applicant's signature)

8/1/06  
(Date)

TAX CERTIFICATE  
Nelda Wells Spears  
Travis County Tax Assessor-Collector  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9473

NO 125731

ACCOUNT NUMBER: 02-1806-0402-0000

PROPERTY OWNER:

RYALL KEN & SANDRA J KEARNS  
3803 AVENUE H  
AUSTIN, TX 78751-4718

PROPERTY DESCRIPTION:

S50FT OF LOT 55 \* & N 10 FT OF LOT  
56 SHADOW LAWN

ACRES 0.000 MIN% .00000 TYPE

SITUS INFORMATION: 3803 AVENUE H

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2005	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	HOSPITAL DISTRICT	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2005 \$10,620.17

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2005 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 07/18/2006

Fee Paid: \$10.00

Nelda Wells Spears  
Tax Assessor-Collector

By: *Barbara Hart*

PLAT 3-71